

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WALTER BECK CORPORATION d/b/a THE  
RAINBOW INN,

Plaintiff,

VS.

SAFECO CORPORATION, AMERICAN  
ECONOMY INSURANCE COMPANY, and  
AMERICAN STATES INSURANCE  
COMPANY,

Defendants.

CIVIL DIVISION

Civil Action No. 04-348 - Erie

JUDGE MAURICE B. COHILL, JR.

**ELECTRONICALLY FILED**

## AFFIDAVIT OF EILEEN SMITH

COMMONWEALTH OF PENNSYLVANIA

) SS:

**COUNTY OF MCKEAN**

Before me, a Notary Public, personally appeared Eileen Smith, who being duly sworn,  
deposes and says as follows:

1. My name is Eileen Smith, an adult individual residing in the Commonwealth of Pennsylvania. I state that the facts contained in the within Affidavit are based upon my own knowledge and personal information.

2. I was employed by the Walter Beck Corporation, doing business as The Rainbow Inn (“The Rainbow Inn”), from the time it opened until the time it ceased operations due to the December 5, 2003 fire (“the Fire”).

3. I worked at The Rainbow Inn in various capacities (waitress, cook, bartender, dishwasher, etc.), filling in on an as-needed, part-time basis.

4. While working at The Rainbow Inn, I observed a fire suppression system in place, which I understood to be operational. Specifically, I recall seeing various nozzles and an emergency pull handle in the kitchen that would be used in the case of a fire.

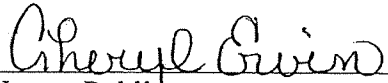
5. I state that if called to testify under oath in the above-captioned matter, I would testify to the facts and opinions set forth in the within Affidavit.

6. The facts set forth herein are true and correct of my own knowledge and personal information.

Nothing sayeth the Affiant further.

  
EILEEN SMITH

Sworn and subscribed to  
before me this 11 day of  
May, 2006.

  
Notary Public

NOTARIAL SEAL  
Cheryl Ervin, Notary Public  
Bradford, McKean County  
My Commission Expires August 4, 2009